

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING AND
AUTHORIZING THE EXECUTION OF THE POOLED LIABILITY ASSURANCE NETWORK [PLAN]
JOINT EXERCISE OF POWERS AGREEMENT**

WHEREAS, the City of Milpitas is a member of PLAN Corporation, a California non-profit corporation (“PLAN Corporation”) comprised of twenty-eight member agencies pooling their property and liability risk in conjunction with the Association of Bay Area Governments (“ABAG”) Joint Exercise of Powers Authority (“JPA”), established pursuant to California Government Code §6500 *et seq.*, and

WHEREAS, in 1986 ABAG and PLAN Corporation entered into an Agency Agreement which irrevocably assigned the risk management duties and obligations of ABAG to PLAN Corporation.

WHEREAS, the member agencies of PLAN Corporation have entered into a Risk Coverage Agreement with each other and ABAG to provide for pooled liability services through PLAN Corporation, and

WHEREAS, the Members of PLAN Corporation seek to separate from the current model of service, including the necessity of the Agency Agreement and use of the ABAG JPA to a new risk management focused Pooled Liability Assurance Network (PLAN) JPA that would provide pooled risk coverage for its member agencies, with preference for the existing members of PLAN, under a new risk coverage agreement within the PLAN JPA, and

WHEREAS, the new PLAN JPA is required to act as fiscal agent and manage the transfer and assignment of all of the current assets and liabilities from PLAN Corporation to the new PLAN JPA, and

WHEREAS, as part of the transition to the new PLAN JPA, the existing Bickmore Contract with PLAN Corporation will be assigned to the PLAN JPA, so that these services can continue in a seamless manner, and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager to execute the Pooled Liability Assurance Network (PLAN) Joint Exercise of Powers Agreement, pursuant to California Government Code §6500 *et seq.*, including the powers delegated therein, conditioned on the transfer of the assets of PLAN Corporation to the PLAN JPA, in substantially the form attached to this Resolution (minor technical or clerical corrections, if any, to be included in the authority granted here.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the CITY’s PLAN Corporation representative is authorized to approve of the assignment of assets from PLAN Corporation to the JPA, and to approve the assignment of risk management services from PLAN Corporation to the PLAN JPA.

PASSED AND ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney